

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition (C) No.5370 OF 2006

PETITIONER

M/s R.D. Constructions, Partnership firm, having their office at Shop No. 61-62, Farishta complex, G.E. Road Raipur, represented by Mr. Satish Chhugani aged about 28 years, Son of Shri K.L. Chhugani, resident of A-10, Gayatri Nagar, (Shanker Nagar) Raipur C.G.

Versus

RESPONDENTS

1. State Government of C.G., through
The Secretary, Public Works
Department D.K.S. Bhawan,
Mantralaya, Raipur C.G.
2. The Executive Engineer,
North Bastar Division,
P.W.D. Jagdalpur C.G.

Present : Shri P.K. Jain, learned counsel for the petitioner.

Shri Pashant Mishra, learned Addl. A.G. with Shri Utkarsh
Verma, learned Dy. G.A. for the State of Chhattisgarh.

ORAL ORDER
(Passed on 10-11-2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ.

The petitioner without resorting to the arbitral procedure in terms of arbitration clause in the agreement and without working out remedy available under Section 9 of the Arbitration & Conciliation Act 1996 has straightway approached this Court under Article 226 of the Constitution of India.

Having heard learned counsel for the petitioner, we do not find any substantive or weighty ground which could persuade us to permit the petitioner to bypass statutory remedy and rush to this Court under Article 226 of Constitution of India. On that short ground, this writ petition is dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge